OPINION 738

TRITURUS (*GYRINOPHILUS*) *LUTESCENS* RAFINESQUE, 1832 (AMPHIBIA): SUPPRESSED UNDER THE PLENARY POWERS

RULING.—(1) Under the plenary powers the specific name *lutescens* Rafinesque, 1832, as published in the binomen *Triturus lutescens*, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The specific name *duryi* Weller, 1930, as published in the binomen *Pseudotriton duryi*, is hereby placed on the Official List of Specific Names in Zoology with the Name Number 2085.

(3) The specific name *lutescens* Rafinesque, 1832, as published in the binomen *Triturus lutescens* (as suppressed under the plenary powers in (1) above) is hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology with the Name Number 821.

HISTORY OF THE CASE (Z.N.(S.) 1516)

The present case was submitted to the Office of the Commission by Dr. Ronald A. Brandon in January 1962. Dr. Brandon's application was sent to the printer on 31 January 1962 and was published on 26 April 1963 in *Bull. zool. Nomencl.* **20** : 210–211. Public Notice of the possible use of the plenary powers in the present case was given in the same part of the *Bulletin* as well as to the other prescribed serial publications (Constitution Article 12b; *Bull. zool. Nomencl.* **21** : 184) and to two herpetological serials. The proposals were supported by Dr. Frank J. Kramer and Dr. Joseph T. Collins and Prof. Hobart M. Smith (*Bull. zool. Nomencl.* **21** : 10–12).

DECISION OF THE COMMISSION

On 1 December 1964 the Members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (64)29 either for or against the proposals set out in *Bull. zool. Nomencl.* **20** : 211. At the close of the prescribed voting period on 1 March 1965 the state of the voting was as follows:

Affirmative votes—twenty (20), received in the following order: China, Boschma, Mayr, Simpson, Bonnet, do Amaral, Lemche, Riley, Uchida, Obruchev, Vokes, Jaczewski, Tortonese, Brinck, Ride, Binder, Kraus, Mertens, Forest, Alvarado.

Negative votes—four (4): Miller, Evans, Sabrosky, Holthuis.

Voting Papers not returned—two (2): Hubbs, Munroe.

Commissioners Stoll and Borchsenius returned late affirmative votes. The following comments were made by Commissioners in returning their votes:

Dr. A. H. Miller (1.i.65): " I do not see that undue confusion would result from following the rules and the first reviser on only a subspecific name issue."

Mr. C. W. Sabrosky (17.ii.65): " I am impressed by the well-reasoned arguments of Kramer and Collins that *lutescens* and *duryi* do not apply to the same

taxon. I would consider that *lutescens* is presently unrecognizable, and does not conflict with use of *duryi*. I would not suppress it at this time because a taxon to which it applied perfectly might yet be discovered, and the name could then be used."

Dr. L. B. Holthuis (22.ii.65): " As the name *duryi* is (a) only a subspecific name (b) of relatively recent date, and (c) has been used relatively little (only 20 published references), it seems unjustified to use the plenary powers to save this name. The fact that the name *lutescens* is almost 100 years older than *duryi* makes it moreover a more stable name, the chance of senior synonyms being found is much smaller."

Original References

The following are the original references for names placed on the Official List and Index by the Ruling given in the present Opinion:

duryi, *Pseudotriton*, Weller, 1930, *Proc. Jr. Soc. nat. Sci. Cincinnati* **1** (5–6) : 7

lutescens, *Triturus*, Rafinesque, 1832, *Atlantic J.* **1** (3) : 121

CERTIFICATE

We certify that the votes cast on Voting Paper (64)29 were cast as set out above, that the proposal contained in that Voting Paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission is truly recorded in the present Opinion No. 738.

G. OWEN EVANS
Secretary

W. E. CHINA
Assistant Secretary

International Commission on Zoological Nomenclature
London
20 *May* 1965